

STATE OF ARKANSAS

JUDICIAL DISCIPLINE & DISABILITY COMMISSION

**INFORMATION PAMPHLET:
COMPLAINTS ABOUT JUDICIAL CONDUCT**

**QUESTIONS & ANSWERS ABOUT THE JUDICIAL DISCIPLINE
& DISABILITY COMMISSION**

1. WHAT IS THE JUDICIAL DISCIPLINE & DISABILITY COMMISSION?

The Judicial Discipline & Disability Commission is an independent state agency that receives and investigates complaints about Arkansas judges for judicial misconduct or wrongdoing.

The Commission also handles judicial disability matters.

2. WHAT CAN THE JUDICIAL DISCIPLINE & DISABILITY COMMISSION DO?

The Commission can investigate and take disciplinary action, or in the most serious cases, recommend to the Supreme Court that it impose discipline.

In order of increasing severity, the Commission may make an informal adjustment (such as direct professional counseling or assistance for the judge) or issue a public admonishment, reprimand or censure. If the Commission makes a recommendation to the Supreme Court, the Court then may impose suspension, removal or involuntary retirement.

3. HOW WILL THE COMMISSION HANDLE MY COMPLAINT?

Each complaint is carefully reviewed by the staff and acted on by the Commission. Complaints that include supportable allegations of misconduct within the Commission's jurisdiction are handled as expeditiously as possible. The Commission may dismiss the complaint or conduct a preliminary investigation. A preliminary investigation can lead to a formal hearing.

Each complainant is informed by letter whether a complaint states a basis for further consideration. If the Commission conducts an investigation or proceeding, the complainant will be notified of the disposition.

4. WHO MAY FILE A COMPLAINT WITH THE COMMISSION ON JUDICIAL PERFORMANCE?

Any individual or group may file a complaint. The Commission may receive complaints from litigants, attorneys, jurors, court watchers, court personnel, prisoners, court administrators, judges, or anyone else who has knowledge of possible judicial misconduct or wrongdoing.

5. HOW DO I FILE A COMPLAINT?

Complaints should be made in writing. You may use the Commission's complaint form or simply write a letter specifically describing the judge's conduct. Be sure to include the name of the judge, relevant dates, names of witnesses and sources of information. You may wish to attach copies (do not send originals) of court documents or transcripts if these support your allegations against the judge.

If you wish to use a Commission complaint form, you may request one by calling the Commission at (501) 682-1050 or sending your request to the Judicial Discipline & Disability Commission, 323 Center Street, Tower Building - Suite 1060, Little Rock, Arkansas 72201. You may also download a complaint form by clicking [here](#).

6. ARE COMPLAINTS TREATED CONFIDENTIALLY?

Arkansas law generally requires that papers filed with and proceedings before the Commission to be confidential unless formal charges are filed by the Commission.

During the course of an investigation of a complaint, a complainant's identity will come to the attention of the judge. And, if the matter is sufficiently serious to warrant a hearing, a complainant may be called to testify at the hearing.

Ordinarily, Commission preliminary hearings are closed to the public and the existence or contents of an investigation will not be disclosed by the Commission.

7. HOW MUCH DOES IT COST TO FILE A COMPLAINT?

Nothing. There are no costs or filing fees associated with filing a complaint.

8. I AM UNHAPPY WITH THE OUTCOME OF MY CASE. CAN THE COMMISSION HELP ME?

No. The Commission does not have authority to direct a judge to take a specific legal action or to review a case for judicial error, mistake, or other legal grounds. These functions are for the state's appellate courts.

Allegations stemming from a judge's rulings or exercise of discretion do not provide a basis for Commission action and personal dissatisfaction alone cannot be grounds for a judicial investigation.

If you need advice or assistance about what to do next about your case, you have a right to hire a lawyer.

For a summary of some types of judicial conduct that may warrant Commission investigation, see the [Judicial Misconduct](#) section below.

9. I HAVE A COMPLAINT ABOUT AN ATTORNEY. CAN THE COMMISSION HELP ME?

No. Complaints about attorneys should be directed to the Committee on Professional Conduct, 625 Marshall Street, Justice Building, Little Rock, Arkansas 72201.

FOR INFORMATION OR TO FILE A COMPLAINT CLICK HERE OR CONTACT:

JUDICIAL DISCIPLINE & DISABILITY COMMISSION
323 Center Street
Tower Building - Suite 1060, Little Rock, Arkansas 72201
(501) 682-1050
FAX: (501) 682-1049
EMAIL: jddc@mail.state.ar.us

Hours of operation are:

Monday - Friday
8:00 a.m. - 4:30 p.m.

JUDICIAL MISCONDUCT

FOLLOWING ARE EXAMPLES OF JUDICIAL MISCONDUCT THAT MAY LEAD TO DISCIPLINE:

IMPROPER COURTROOM DECORUM

- ! Rude, abusive and otherwise improper treatment of parties, counsel, witnesses, jurors, court staff and others.
- ! Failing or refusing to dispose promptly of judicial business.
- ! Improper or eccentric conduct while on the bench, such as sleeping or drunkenness.
- ! Expressions of bias based on gender, ethnicity, etc.

IMPROPER INFLUENCE

- ! Allowing family, social or political relationships to influence judicial decision-making.
- ! Conflict of interest.
- ! Giving or receiving gifts, bribes, loans or favors.

OTHER IMPROPER OR ILLEGAL ACTIVITIES INCLUDING OFF-BENCH CONDUCT

- ! Abusing the contempt power.
- ! Interfering with the attorney client relationship.
- ! Communicating improperly with only one side to a proceeding.
- ! Commenting on or interfering with a pending or impending lawsuit.
- ! Engaging in improper political campaign activities.
- ! Misappropriating or misusing public property, funds or resources.
- ! Violating rules relating to court administration.
- ! Obstruction of justice, perjury or filing a false document.
- ! Ticket-fixing.
- ! Non-court criminal behavior.

ABOUT THE COMMISSION

- ! The Judicial Discipline & Disability Commission is a state constitutional agency created when the people of Arkansas adopted Arkansas Constitution Amendment 66 on November 8, 1988. Since its inception, the Supreme Court has the power to suspend, remove or involuntarily retire judges based on the Commission's recommendation. A judge may be publicly disciplined by the Commission.
- ! The vast majority of Arkansas judges are honest, conscientious and courteous to those appearing before them. However, an effective method of imposing sanctions on judges who engage in misconduct or wrongdoing is essential to the functioning of our judicial system. The Commission strives to maintain public confidence in the judiciary and promote greater awareness of proper judicial behavior. Commission proceedings provide a fair and appropriate mechanism to preserve the integrity of the judicial process while at the same time having judicial accountability.
- ! The Commission has nine (9) members: three judges or justices appointed by the Supreme Court; three lawyers, one appointed by the Attorney General, one by the President of the Senate, and one by the Speaker of the House; and three non-judicial and non-lawyer members, appointed by the Governor.